

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GILBERT J. SEDILLO,

Plaintiff,

v.

CV No. 19-253 RB/CG

STATE OF NEW MEXICO ADULT
PAROLE BOARD, et al.,

Defendants.

ORDER DENYING PENDING MOTIONS

THIS MATTER is before the Court on Plaintiff Gilbert Sedillo Jr.'s *Motion for Appointment of Counsel*, (Doc. 12), and Mr. Sedillo's handwritten request for appointment of counsel, (Doc 14). The Court will deny these motions.

There is no right to appointment of counsel in a civil rights case. Instead, the decision whether to request assistance of counsel rests in the sound discretion of the Court. *Beaudry v. Corrections Corp. of America*, 331 F.3d 1164, 1169 (10th Cir.2003); *MacCuish v. United States*, 844 F.2d 733, 735 (10th Cir.1988). In determining whether to appoint counsel, the district court should consider the merits of the litigant's claims, the nature and complexity of the factual and legal issues, and the litigant's ability to investigate the facts and to present his claims. *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir.2004).

The Court has reviewed the Complaint and subsequent filings in light of the foregoing factors. Mr. Sedillo appears to understand the issues in the case and to be representing himself in an intelligent and capable manner. See *Lucero v. Gunter*, 52 F.3d 874, 878 (10th Cir. 1995). Accordingly, the Court will deny Mr. Sedillo's *Motion for*

Appointment of Counsel, (Doc. 12), and his handwritten letter for appointment of counsel, (Doc. 14).

Also before the Court is Mr. Sedillo's *Motion for U.S. Marshals to Serve All Defendants*, (Doc. 15). As the Court has previously advised Mr. Sedillo, his prisoner civil rights complaint is subject to preliminary screening by the Court under 28 U.S.C. 1915. Until screening of the Complaint is completed, requests for service of process are premature. (Doc. 5). See, also, *Jones v. Bock*, 549 U.S. 199, 213-214 (2007). Therefore, the Court will also deny Mr. Sedillo's *Motion for U.S. Marshals to Serve All Defendants*, (Doc. 15).

IT IS THEREFORE ORDERED:

(1) Mr. Sedillo's *Motion for Appointment of Counsel*, (Doc. 12), and handwritten request for appointment of counsel, (Doc 14), are **DENIED**; and

(2) Mr. Sedillo's *Motion for U.S. Marshals to Serve All Defendants*, (Doc. 15), is **DENIED** as premature.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE